



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
January 7, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:18 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Krisanna Clark, and Bill Butterfield. Councilor Matt Langer arrived at 6:36 pm.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, City Recorder Sylvia Murphy and City Attorney Pam Beery.

4. **TOPICS:**

- A. Performance Evaluation of City Recorder, Pursuant to ORS 192.660(2)(i).

5. **ADJOURN:**

Mayor Middleton adjourned the executive session at 6:55 pm and convened to the regular Council meeting.

CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:02 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Bill Butterfield, Dave Grant, Krisanna Clark, Robyn Folsom and Matt Langer.
4. **STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Jeff Groth Police Chief, Julia Hajduk Community Development Director, Bob Galati City Engineer, Mark Daniel Police Captain, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.

5. **CONSENT AGENDA:**

- A. Approval of December 17, 2013 City Council Meeting Minutes**
- B. Resolution 2014-001 Appointing Shelly Lamb to the Cultural Arts Commission**
- C. Resolution 2014-002 Appointing Vicki Poppen to the Cultural Arts Commission**
- D. Resolution 2014-003 Removing James Copfer from the Planning Commission**

MOTION: FROM MAYOR MIDDLETON TO AMEND THE AGENDA AND MOVE RESOLUTION 2014-003 TO NEW BUSINESS, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT THE AMENDED CONSENT AGENDA, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

6. PRESENTATIONS:

A. Proclamation, National School Board Month

Mayor Middleton read the proclamation and stated that school boards create a vision for what students should know and be able to do. He said they establish clear standards for student performance, ensure that student assessments are tied to established standards and are accountable to the community for operating schools that support student achievement. They align school district resources to ensure that students meet standards, create a climate that supports the philosophy that all children can learn at high levels, build collaborative relationships based on trust, teamwork and shared accountability, and are committed to continuous education and training on issues related to student achievement. He proclaimed the month of January 2014 to be School Board Recognition Month and urged all citizens to recognize the dedication and hard work of local school board members in preparing today's students for tomorrow's world. He noted that he will be attending the next School Board meeting to read the proclamation.

Mayor Middleton addressed the next agenda item.

7. NEW BUSINESS

A. Council President Selection

MOTION: FROM COUNCILOR BILL BUTTERFIELD TO NOMINATE COUNCILOR LINDA HENDERSON AS COUNCIL PRESIDENT, SECONDED BY COUNCILOR DAVE GRANT, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

B. City Recorder Performance Evaluation

Mayor Middleton stated the Council held the evaluation in an Executive Session and will bring back a memo in a few weeks to determine what will be done with the contract.

C. Resolution 2014-003 Removing James Copfer from the Planning Commission

Mayor Middleton stated that he brought the resolution forward due to attendance and lack of communication regarding attendance. He stated this has been reviewed with Commissioner Copfer.

Councilor Clark clarified whether attendance was the issue and commented that as the Council liaison to the Planning Commission, she receives multiple notification and reminders from staff regarding the meeting schedule asking whether she will be in attendance. She referred to the need for a planning commission meeting quorum and the importance of the issues before the commission. She asked if Commissioner Copfer notified staff whether he would or would not be in attendance. Julia Hajduk recalled he did not communicate with staff very often regarding his attendance.

Councilor Clark asked whether the other commissioners informed staff of their attendance. Julia replied yes.

Councilor Clark asked when Mr. Copfer applied for the commission, how many other applications were received. Julia replied she recalled receiving the standard 4 to 5 applications. Councilor Clark commented that others were turned away who wanted to serve.

Mayor Middleton suggested tabling Resolution 2014-003 to a date not certain to allow Mr. Copfer to show a willingness to be on the planning commission.

Councilor Butterfield clarified that the purpose for postponing the resolution was to allow time to evaluate his performance.

Councilor Langer asked if there was a back surgery involved that caused some of the lack of attendance. Julia referred to a meeting that she, Mayor Middleton and Council President Henderson recently had with Commissioner Copfer and said that issue was raised.

Mayor Middleton stated that we needed that information communicated to us and referred to a planning commission meeting on December 10, 2013 that involved an important issue and said 5 staff members from the County were presenting information and Commissioner Copfer communicated that he would be in attendance and did not come, and that put the planning commission on the spot. He said that Mr. Copfer missed 40% of the meetings last year. Mayor Middleton noted the importance of commissioners to let staff know whether they will be attending meetings so staff can plan accordingly.

MOTION: FROM MAYOR MIDDLETON TO AMEND AND TABLE RESOLUTION 2014-003 TO A DATE NOT CERTAIN, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

8. CITIZEN COMMENTS

Jim Claus, 22211 SW Pacific Hwy, came forward and referred to limiting freedom of speech. He commented on staff overspending and forming the Urban Renewal and using it as a piggy bank. He commented on having a high priced City and referred to fees and water rates. He said in order to do that, they had to shut down public input. He commented on an American city having an armed police in

the room. He commented that Sherwood has a contract Attorney, not a City Attorney. He referred to suppressing information in order to vote the Urban Renewal and then bullied the rules. He commented on discriminatory enforcement of the code. He said the URA was a bad idea but not allowing people to look at the information was worse.

Susan Claus, 22211 SW Pacific Hwy, approached the Council and asked for a follow up on E-sheets and said they are as simple as mail in ballots which we have been doing for a long time. She said they have a City opinion driven by a staff member and the City Attorney and it is a City Council decision. She stated they asked the City Recorder to provide the back and forth communication that arrived at that interpretation and they have not received a response. She asked where do we go in that process and commented on the lack of response to her questions. She asked how they reached the interpretation. She said she understands the interpretation was made by Attorney Paul Elsner and the City Recorder. She asked if Council was going to make a decision or allow the staff to interpret the code. She commented on the need for information that she requested and the need for resolution.

Mayor Middleton said that they will discuss the issue at their Monday meeting and staff will get back her.

The City Recorder responded that she contacted the State and they have a process for processing E-sheets. She said the County did not have a process in place as of December 2013 and there was not a county in Oregon that had processed E-sheets. She said when she inquired with the Washington County Elections Officer she polled the elections officers across the state and those are the records that she will provide to Susan, which basically say that the State has not established a process at the jurisdiction level. She noted the newly released 2014 State Election Manuals does have a form that can be used to process E-sheets. She said the hurdle we face in Sherwood is the Code language that she interpreted, not the City Attorney, the interpretation that a circulator and a signer indicate two different individuals. The City Recorder stated the argument that Susan has indicated is, the person signing the E-sheet can also witness their own signature. The City Recorder noted the code indicates language of a circulator and a signer, which she interprets as two different people. She said that if the Council chooses to accept an E-sheet process for the City she would recommend amending the Code to clarify that language.

Council President Henderson clarified that the current Code stipulates that the petition circulator must witness the signer of their sheet.

The City Recorder responded yes, the Code indicates that the circulator must witness the signing of the petition.

Councilor Folsom noted that she has seen that information.

The City Recorder stated that the Council has been included in all of the correspondence that she has had with the Clauses regarding this issue.

Susan Claus asked if that correspondence includes that communication that Sylvia has had with the contract Attorney.

The City Recorder responded that the interpretation of the Code was solely her interpretation.

Susan Claus stated that her problem with this is Sylvia, is a staff member and does not have the background to make an interpretation and it does not say it has to be two people and the State has accepted these E-sheets where the signer is the circulator and that goes to the chief petitioner and the signatures are verified by the County. She commented on the 90 day deadline on two of the petitions and said this has been going on since November. She said you have to stretch to say that it is two different people. She commented on the rules of notice before the Court of Appeals. She stated that now that the State has allowed E-sheets we have allowed a staff member, not an elected official, who now is saying that it is solely her interpretation.

Mayor Middleton commented on how new this information is and the need for a Council work session to discuss this matter, if they are going to amend the Code.

Susan Claus said that Council does not have to amend the code as it is a Code interpretation and the Council has the right and the responsibility to interpret the Code. She urged the Council to not go through a text amendment process.

Mayor Middleton said he needs more education on the matter.

Councilor Folsom stated that no county in the State of Oregon is accepting E-sheets.

Susan Claus responded that she spoke with the County and they are accepting E-sheets.

The City Recorder clarified that the counties can accept the E-sheet process as the State accepts the E-sheet process, but the problem is that a process was not established for local jurisdictions. She said that process was just established on January 1, 2014 in the newly released manuals, but prior to a week ago those forms did not exist.

Susan Claus stated she disagrees and said there is a way to make it happen.

Eugene Stewart, Sherwood property owner came forward with concerns about the Senior Center maintenance of gutters. He said the boards in the patios need to be replaced and this happens over time. He said it seems like we don't have a good procedure to maintain our buildings. He asked if we have maintenance procedures in place before we take on new projects that will require maintenance. He said we need a better policy on how to take care of our properties. He commented on the black berries behind the Senior Center and the ivy. He suggested setting up volunteers to help with the maintenance.

Mayor Middleton addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS

Councilor Folsom announced that Friday at 4:00 pm will be the groundbreaking for the Community Center and she invited everyone to come and enjoy.

Councilor Butterfield commented that he is a citizen and gets to enjoy free speech and he will begin using that privilege.

Council President Henderson reported that in the last budget cycle that ended June 30, 2013 we had an additional \$970,000 in the general fund contingency. She commented on the budget goal to have no less than 20% in the contingency fund. She said this is a testament to our staff to have a contingency fund 11% above our goal. She thanked staff for their continued hard work and the Budget Committee for making hard decisions. She reminded everyone about the groundbreaking event on Friday.

Mayor Middleton addressed the next agenda item.

10. CITY MANAGER REPORT

Mr. Gall invited everyone to the Ribbon Cutting Ceremony at the Cannery Row lobby on Wednesday, January 8, 2014.

11. ADJOURN

Mayor Middleton reconvened to an Executive Session at 7:38 pm.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:52 pm.
- 2. COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Krisanna Clark, Bill Butterfield and Matt Langer.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, City Recorder Sylvia Murphy and City Attorney Pam Beery.
- 4. TOPICS:**
 - A.** Performance Evaluation of City Manager, Pursuant to ORS 192.660(2)(i).
- 5. ADJOURN:**

Mayor Middleton adjourned the Executive Session at 8:44 pm and convened to the regular Council meeting to adjourn the session. Regular Council session adjourned at 8:45 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Bill Middleton, Mayor